



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,279	03/06/2002	Bruce Bent	11559-003-999	7722

22428 7590 03/16/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
----------	--------------

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/092,279	Applicant(s) BENT ET AL.	
	Examiner Harish T. Dass	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/2006 has been entered.

DETAILED ACTION

Applicant's arguments with respect to amended limitations have been responded to in response to the claims.

Status of claims:

Claim 16 is canceled.

Claims 1-15 & 17-104 are pending.

Independent claims: 1, 15, 30, 31, 45, 58, and 75.

Claims 105-113 are withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

Art Unit: 3693

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-16 and 17-18, 20-46, 48-51, 53-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano et al (hereinafter Vitagliano – US 5,206,803) in view of Atkins (US 5,884,285) and Borleis et al. (Borleis, Melvin W; Carlson, Cynthia A “Loan administration in 401K plans”; Benefits Quarterly v11 n2 PP: 67-75 second quarter 1995).

Re. Claims 1, 15, 30-31, and 45 Vitagliano discloses a data processing apparatus (system) and method for managing a plurality of accounts that can be accessed for credit tied to and in communication with an associated pension plan as an underlying source of capital [see entire document for all limitations, particularly, Abs], and

a processor [Fig. 2 (200); C3 L52-L62],

a memory operatively coupled to the processor, the memory including program data for causing the processor to perform the steps of [Fig 2 (210); C3 L52-L62],

data representing the value of funds derived from the participant's benefit-plan account assets and transferred from the benefit plan account upon establishment of the account, wherein the account is managed by an investment manager and is recorded in the benefit-plan as an asset of the participant [see, Abstract; Figure 1-3; C1 L5-L66; C2 L61-L64; C4 L25-L68; C5 L8 to C6 L10 - account = line of credit or credit account or account, also see col. 2 lines 42-45 “purposes of discussion”],

(ii) accept funds into the account from the participant in repayment of redemptions, and updating the stored loan-fund information with data representing fund

Art Unit: 3693

transfers from and acceptances into the account, whereby redemptions from and repayments to the participant's account occur without access to the participant's benefit-plan assets [C3 L12-L41; C4 L43-L68; C5 L7 to C6 L18],

updating said loan-fund information for said account that is separately stored from account information for said benefit plan account using an accounting process that computes the current balance of available funds in the account based on funds transferred from assets in the account to settle redemptions and funds accepted as assets into the account as repayments of redemptions and does not change a account asset amount listed in the account information of the benefit plan account relating to the account [C4 L61-L68, L6-L22] and

computer readable medium (storage for account balances and plan instruction) [Fig. 2 item # 250; C3 L57-L58].

Vitagliano, explicitly, does not disclose loan fund, initializing account information upon establishment of a account for the participant, which loan fund is associated with a loan fund account,

wherein the loan fund account is defined as an account which is separate from the benefit plan account and is funded by assets segregated from the benefit plan account and wherein money is drawn for loans from the loan fund account,

wherein said initializing further includes the processor storing in a database in the memory the account information including a current account balance of available funds in said account separately from account information for said benefit plan account and fund transfer and computer database and program, and

Art Unit: 3693

wherein the account is defined as a separate asset-funded account from which money is drawn for loans, wherein the account is one of the plurality of investments in the benefit plan account,

However, Borleis et al. (or Borleis) discloses loan fund as separate account, transferring fund, and loan fund is associated with a loan fund account, wherein the loan fund account is defined as an account which is separate from the benefit plan account and is funded by assets segregated from the benefit plan account and wherein money is drawn for loans from the loan fund account [see all pages particularly 1-3, 5].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Vitagliano and include and loan fund is associated with a loan fund account, wherein the loan fund account is defined as an account which is separate from the benefit plan account and is funded by assets segregated from the benefit plan account and wherein money is drawn for loans from the loan fund account, as disclosed by Borleis and allow employee borrow loan from their own benefit plan by transferring the amount loan from benefit account to separate loan fund account and borrow from loan fund account where the value of benefit plan is not legally reduced in compliance with regulation [see page 2].

Atkins discloses initializing account information upon establishment of a account for the participant, and database, wherein said initializing further includes the processor storing in a database in the memory the account information including a current account balance of available funds in said account separately from account information for said benefit plan account and program [Abs; C8 L65 to C10-26; C18 L51; C20 L11-L124; C25

Art Unit: 3693

L2-L35] to open an account and provide financial management program for implementing, coordinating, analyzing of investments in an array of assets.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Vitagliano and Borleis and include initializing account information upon establishment of a account for the participant, and database, wherein said initializing further includes the processor storing in a database in the memory the account information including a current account balance of available funds in said account separately from account information for said benefit plan account and program, as disclosed by Atkins, to provide an accounting system for opening a new accounting system program and database for managing, transferring, deposit, redemption and coordinating of accounts more and provides a convenient and cost effective system for managing loan accounts.

Re. Claim 2, Vitagliano discloses acceptance into the account and update the loan-fund information upon receipt of data from the investment manager computer system representing an accrual of interest into the account [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C5 L7 to C6 L18].

Re. Claim 3, Vitagliano discloses initialize (new account) the loan-fund information upon receipt of data from the benefit-plan computer system representing establishment of the loan-fund [C2 L50-L68; C3 L52 to C4 L24], and exchange status data with the benefit-plan computer system, wherein the computer system exchanges at least a

Art Unit: 3693

representation of a current loan-fund balance, and wherein the benefit-plan computer system exchanges at least representation of limitations on the participant's redemptions [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68].

Re. Claims 4-7, Vitagliano discloses wherein the program data further causes the processor to generate data representing a request to transfer funds from the account upon receipt of data from the access-vehicle-settlement computer system representing a request for settlement for the participant's uses of the access vehicle [C1 L5-L11; C4 L47-L68], and equal to a line of credit (LOC) value; and generate data to the access-vehicle-settlement computer system representing a refusal of the proposed redemption only if the proposed redemption is greater than the LOC value [Fig. 3; C4 L25-L55], and wherein the LOC value does not exceed an available loan amount (ALA) value determined in accordance with statute, regulation [Fig. 3; C4 L25-L55], and receive data from the access-vehicle-settlement computer system representing at least one redemption by the participant made by a use of the access vehicle; and update data representing the LOC value in response to the received data by decreasing the LOC value by the total value of the redemptions [Fig. 3; C4 L25-L58].

Re. Claim 9, Vitagliano discloses a credit card [C3 L32-L35].

Re. Claims 10-12, Vitagliano discloses wherein the program data further causes the processor to generate data representing loan-fund statement information and

Art Unit: 3693

repayment [C3 L52-L68; C6 L10-L18], and wherein the required repayment amounts and times are determined in dependence on the total redemptions that have not yet been repaid and in accordance with policy (code) to preserve tax-advantaged treatment of the participant's redemptions [C3 L22-L52], and generated data is transmitted to the participant [Fig. 2 (220 & 270); C4 L44-L47]. Vitagliano, explicitly, does not disclose informing the participant of required repayment amounts and times and wherein the generated data is transmitted to the participant by means of the Internet network or a telephone network. However, informing the participant of required repayment amounts and times and transmitting account summary statement by Internet network (using modem and public telephone network system) are commonly will known to credit card holders particularly to those who subscribe to credit card electronic statements. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Borleis and Atkins and add generation of account statement which includes repayment amount, due time, and transmitting the account statement over Internet or telephone network (i.e., via email, download with modem, html format) to add this step to alert the borrower of payment due and reduce the paper mailed volume.

Re. Claims 13-14, Vitagliano, explicitly, does not disclose wherein the program data further causes the processor, upon receipt of data representing a participant request, to generate data representing loan-fund status for informing the participant of recent redemptions, and wherein the generated data is periodically transmitted as messages

Art Unit: 3693

grouped into computer files. However, these steps are commonly will known to one skill in the art of financial institutions to add these steps to update the participants accounts at a particular time to save time and achieve cast reduction.

Re. Claims 17-18, and 24 Vitagliano discloses wherein the loan-fund information comprises data representing at least a loan-fund balance [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68], and wherein the current loan-fund balance is updated in response to receipt of data from an investment-manager computer system representing funds transfer (transmit) from [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C4 L47-L52; C5 L7 to C6 L18], and generating data for the benefit-plan computer system representing the current loan-fund balance for the benefit plan, and receiving data from the benefit-plan computer system representing the limitations on the participant's redemptions [C2 L50-L68; C3 L52 to C4 L24; C4 L47-68], and wherein the loan-fund balance is further updated in response to receipt of data from the investment-manager computer system representing a repayment [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C4 L47-L52; C5 L7 to C6 L18].

Re. Claims 20-23, Vitagliano discloses receiving data representing settlement requests from a settlement system that processes uses of the access vehicle, and wherein data representing requests to transfer funds from the account to settle redemptions is generated in response to receipt of request data from the access-vehicle settlement system [Abs; C1 L5-L11; C4 L47-L68], and receiving data from the access-vehicle-

Art Unit: 3693

settlement computer system representing at least one redemption by the participant made by a use of the access vehicle; and updating data representing an LOC value in response to the received data by decreasing the LOC value by the total value of the redemptions that have not been repaid [Fig. 3; C4 L25-L58], and receiving data from the access-vehicle-settlement system representing a proposed redemption to be made by a participant's proposed use of the access vehicle; generate data to the access-vehicle-settlement system representing an authorization of the proposed redemption only if the proposed redemption is less than line of credit (LOC) value; and generate data to the access-vehicle-settlement system representing a refusal (disapprove) of the proposed redemption only if the proposed redemption is greater than the LOC value [Fig. 3; C4 L25-L58]

Re. Claims 25-26, Vitagliano discloses step of generating data representing loan-fund statement information [C3 L52-L68; C6 L10-L18], and wherein the required repayment amounts and times are determined in dependence on the total redemptions that have not yet been repaid and in accordance with policy (code) to preserve tax-advantaged treatment of the participant's redemptions [Fig. 2 (220 & 270); C4 L44-L47]. Vitagliano, explicitly, does not disclose informing the participant of required repayment amounts and times. However, informing the participant of required repayment amounts and times are commonly will known to credit card holders who get credit card activity statement and payment vouchers. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Borleis

Art Unit: 3693

and Atkins and add this step to alert the borrower of payment due to avoid extra charges and exceeding the limits.

Re. Claim 27, Vitagliano discloses a credit card [C3 L32-L35].

Re. Claims 28-29, Vitagliano, explicitly, does not disclose wherein the generated data is periodically transmitted as messages grouped into computer files and wherein loans are provided to a plurality of participants, each participant having assets in the benefit plan. However, these steps are commonly will known to one skill in the art of financial institutions to provide loans to member and update all of the accounts at a particular time to save time and achieve cast reduction.

Re. Claim 32, Vitagliano discloses wherein the step of establishing further comprises requesting the benefit plan to transfer funds to the account [Abs; C1 L5].

Re. Claim 33, Vitagliano, disclose wherein the value of the funds transferred from the benefit plan is less than the value of participant's vested assets in the benefit plan [Abs; Figure 1-3; C1 L55-L66; C2 L61-L64; C4 L25-L30; C5 L8 to C6 L10].

Re. Claim 34, Vitagliano, disclose wherein the participant's benefit-plan assets further comprise a stock [C2 L49].

Art Unit: 3693

Re. Claims 35-36, Vitagliano, disclose wherein the access vehicle includes a credit card [C3 L32-L35], and wherein the participant makes a plurality of redemptions from the account by a plurality of uses of the access vehicle [C3 L32-L35].

Re. Claims 37-38, Vitagliano, disclose further comprising a step of authorizing a participant's proposed redemption from the account only if the total of the proposed redemption and past redemptions that have not yet been repaid is equal to or less than an available line of credit (LOC) value determined for the participant [C4 L6-L68], and wherein the LOC value is equal to or less than an available loan amount (ALA) value which depends upon the value of the participant's vested assets in the benefit plan [Fig. 3; L6-L68].

Re. Claims 39-40, Vitagliano discloses updating the current loan-fund balance by (i) increasing the balance upon receipt of funds transferred from the benefit plan and (ii) decreasing the balance upon transfer of funds for settlement of redemptions; and sending (transmit) periodically to the benefit plan of information representing the current loan-fund balance [C4 L6-L68].

Re. Claim 41, Vitagliano discloses wherein the loan-fund information is further updated when the investment manager accrues into the account dividends earned on the account or interest paid by the participant on redemptions from the account [C2 L50-68].

Art Unit: 3693

Re. Claims 42-43, Vitagliano discloses wherein the steps of establishing to preserve tax-advantaged treatment of the participant's redemptions [Fig. 2 (220 & 270); C1 L5-L20; C4 L44-L47], and wherein the statute, regulation, or policy includes one or more of the provisions of 26 U.S.C. §§ 1 and 401 et seq., and 29 U.S.C. § 1001 et seq. and any other similar programs (tax code) [C1 L13-L33; C2 L44].

Re. Claim 44, Vitagliano discloses wherein, upon establishment, the account is structured as a sub-custodian (assumed ...) [C2 L36-L49].

Re. Claim 46, Vitagliano discloses program means for causing the processor means to generate data for the benefit-plan computer system representing the current loan-fund balance for the benefit plan, and program means for causing the processor means to receive data from the benefit-plan computer system representing the limitations on the participant's redemptions [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68].

Re. Claim 48, Vitagliano discloses means for causing the processor means to receive data representing settlement requests from a settlement system that processes uses of an access vehicle, and wherein data representing requests to transfer funds from the account to settle redemptions is generated in response to receipt of request data from the access-vehicle-settlement system [C1 L5-L11; C4 L47-L68].

Art Unit: 3693

Re. Claim 49, Vitagliano discloses means to receive data from an access-vehicle-settlement computer system representing at least one redemption by the participant made by a use of the access vehicle [C1 L5-L11; C4 L47-L68], and program means for causing the processor means to update data representing an LOC value in response to the received data by decreasing the LOC value by the total value of the redemptions that have not been repaid [Fig. 3; C4 L25-L58].

Re. Claim 50, Vitagliano discloses means for causing the processor means to receive data from the access-vehicle-settlement system representing a proposed redemption to be made by a participant's proposed use of the access vehicle [C1 L5-L11; C4 L47-L68], program means for causing the processor means to generate data to the access vehicle-settlement system representing an authorization of the proposed redemption only if the proposed redemption is less than or equal to a line of credit (LOC) value [Fig. 3; C1 L5-L11; C4 L25-L58], and program means for causing the processor means to generate data to the access vehicle-settlement system representing a refusal of the proposed redemption only if the proposed redemption is greater than the LOC value [Fig. 3; C1 L5-L11; C4 L25-L58].

Re. Claim 51, Vitagliano discloses means for causing the processor means to generate data representing loan-fund statement [C3 L52-L68; C6 L10-L18]. Vitagliano, explicitly, does not disclose informing the participant of required repayment amounts and times. However, informing the participant of required repayment amounts and times are

Art Unit: 3693

commonly will known to credit card holder. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclose of Vitagliano, *Borleis* and Atkins and add this step to alert the borrower of payment due.

Re. Claims 53-54, Vitagliano discloses participant's benefit-plan assets of accrued interest paid by the participant on redemptions from the account, and participant's benefit-plan assets of accrued dividend funds earned on the account and generating report [C2 L50-68; C3 L63 to C4 L5-L68]. Vitagliano, explicitly, does not disclose generate data representing a transfer. However, it is will known and common banking practice that accrued dividend and interest are posted to the accounts.

It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, *Borleis* and Atkins and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Re. Claim 55, Vitagliano discloses comprising updating the account information in response to receipt of data from the investment-manager computer system representing posting of (i) interest paid by the participant on redemptions from the account [C2 L50-68; C3 L63 to C4 L5-L68].

Re. Claim 56, Vitagliano, explicitly, does not disclose generate data representing a transfer. However, it is will known and common banking practice that accrued dividend

Art Unit: 3693

and interest are posted to the accounts. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Borleis and Atkins and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Re. Claim 57, Vitagliano, explicitly, does not disclose upon request to the investment manager, transferring accrued dividend and interest funds from the account to the benefit plan. However, it is will know and common banking practice that accrued dividend and interest are posted to the accounts to keep record of accurate account for future use. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Borleis and Atkins and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Claims 58-69, 74-86 and 90, 93, 95-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano in view of Borleis.

Re. Claim 58, Vitagliano discloses at least one processor [Fig. 2 (200); C3 L52-L62]; a computer-readable memory operatively connected to the at least one processor, with instruction capable of performing steps [Fig 2 (210); C3 L52-L62 – programmable memory is known, similarly software on hard-drive, etc.]; receiving information reflecting

Art Unit: 3693

a loan request for a loan-request amount made by said participant (withdrawal) [C4 L30-L32],

verifying (approved/disapproved) that said loan-request amount does not exceed a current balance of available funds (any account) in said account as using account information for said account, said account information for said account being stored by said computer system separately from account information for said benefit plan (credit processing # 70 and pension plan # 10) [Figure 1 #10 and #70; C2 L61-L3; C3 L15-L17; C3 L52-L62; C4 L13-L55; C5 L8 to C6 L10 - account = line of credit or credit account or account, also see col. 2 lines 42-45 "purposes of discussion"], and

updating said loan-fund information for said account that is separately stored from account information for said benefit plan account using an accounting process that computes the current balance of available funds in the account based on funds transferred from assets in the account to settle redemptions and funds accepted as assets into the account as repayments of redemptions and does not change a account asset amount listed in the account information of the benefit plan account relating to the account [C4 L61-L68, L6-L22; C6 L2-L9 – since the line of credit is pension account-backed backed plan, it does not change the asset amount of the pension account both have separate accounting mechanism for example, line of credit or equity loan from bank has different accounting system than the saving/checking, event a person gets line of credit based on his/her accounts or estate].

Vitagliano does not explicitly disclose initiating transfer of said amount of funds requested by said participant loan request from said account if said loan-request

Art Unit: 3693

amount has been verified to not exceed said current balance of available funds in said account, wherein the account is defined as a separate asset-funded account from which money is drawn for loans, wherein the account is one of the plurality of investments in the benefit plan account.

However, Borleis discloses these features [see all pages particularly 1-3, 5]:

It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the discloses of Vitagliano, and include the above feature disclosed by Borleis and allow employee borrow loan from their own benefit plan by transferring the amount loan from benefit account to separate loan fund account and borrow from loan fund account where the value of benefit plan is not legally reduced in compliance with regulation [see page 2].

Re. Claims 59-60, Vitagliano disclose account capital invested in stocks, bonds or other fundable assets. Neither Vitagliano nor *Borleis* does explicitly disclose wherein said account comprises stable-value assets having a stable market value and wherein said stable-value assets comprise, cash or cash-equivalent instruments. However these steps are will known as being one of the "fundable assets" to one skill in the art of financial investment such as: treasury bills, Certificate of Deposit (CD) and money market fund which are low risk investment vehicles and keep their value and pay interest. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Vitagliano and Borleis to invest in low risk stable financial assets to not loss the capital.

Re. Claims 64-65, Vitagliano discloses wherein at least one loan request is made by use of a payment access vehicle by said participant, and wherein said payment access vehicle comprises a check, or a credit card, or a debit card, or an ACH transfer, or a wire transfer, or a sweep, or an ATM [C3 L12-L21].

Re. Claim 66, Vitagliano further discloses performing steps comprising administering said benefit plan account by updating in said account information for said benefit plan that is separately stored from accounting information for said account a value of said benefit-plan investment in said account, said updated value reflecting said current balance in said account [C13-L68; C6 L2-L18; C4 L61-L68, L6-L22].

Re. Claim 67, Vitagliano further discloses performing steps comprising updating said account information for said account to reflect accrual of interest into said account and storing funds separately [C2 L50-L60; C4 L61-L68, L6-L22].

Re. Claims 68-69, Vitagliano further discloses further performing steps comprising receiving, from an administrator/processor of said benefit plan account, information reflecting a maximum total amount of loans from said account that can be outstanding to said participant, wherein said maximum amount of loans (acceptable level) is determined in dependence on a current value of said assets in said benefit plan account, and further performing steps comprising determining a line of credit for said

Art Unit: 3693

account, said line of credit not exceeding either said maximum amount of loans (acceptable level) or said current balance in said account [C3 L63 to C4 L60; Formula I and II where LOC(I,J) available credit].

Re Claim 75, claim 75 is rejected with same rational as claim 58.

Re. Claims 76-77, claims 76-77 are rejected with same rational as claims 59-60.

Re. Claims 78 and 90, claim 78 and 90 are rejected with same rational as claim 61 and 74.

Re. Claims 81-82, claims 81-82 are rejected with same rational as claim 64-65.

Re. Claim 83, claim 83 is rejected with same rational as claim 66.

Re. Claim 84, claim 84 is rejected with same rational as claim 67.

Re. Claims 85-86, claims 85-86 are rejected with same rational as claim 68-69.

Re. Claims 93 and 96, Vitagliano discloses receiving income information from an investment of all or a portion of the account that has not been loaned [C4 L6-L68; C3 L63 to C4 L60 - balance], and update the separately stored account (storing an account) information for said benefit plan account [C1 L67 to C2 L24; C3 L52 to C4 L24; C5 L7 to C6 L18]. generating and sending a signal with at least a portion of the income information [C4 L6-L68].

Re. Claim 95, Vitagliano, explicitly, does not disclose an interface to the World Wide Web, which may be accessed by a participant to send a signal initiating transfer of

Art Unit: 3693

assets between the account and the benefit plan. However, transferring funds using internet and computer is well known. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosure of Vitagliano and add internet interface to use cost effective communication system for transferring accounting and fund information.

Re. Claim 97, Vitagliano does not explicitly disclose wherein said account information for said account is stored in a different electronic database relative to said account information for said benefit plan account. However, distributed database system, centralized database system and multiple database server are known for managing files and data. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Vitagliano and add multiple database for account to efficiently administer and maintain accounts.

Re. Claim 98, Vitagliano does not explicitly disclose wherein said account information for said account is stored in a different electronic database relative to said account information for said benefit plan account. However, distributed database system, centralized database system and multiple database server are known for managing files and data. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Vitagliano and add multiple database for account to efficiently administer and maintain accounts.

Claims 70-73 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano, and Borleis, as applies to claims 58, 69 and 75, 86 further in view of Wolfberg et al (hereinafter Wolfberg US 5,214,579)

Re. Claim 70-73, Vitagliano further discloses wherein said step of updating further comprises updating said line of credit to reflect said amount of funds transferred from said account, and receiving/transmitting information [Fig. 3; C4 L6-L68]. Vitagliano does not explicitly disclose wherein said step of verifying further comprises verifying that said loan-request amount does not exceed said line of credit,

wherein said step of receiving further comprises receiving information from a payment-settlement system reflecting at least one loan request, and

wherein the loan-request amount of said loan request reflects payments made by said payment-settlement system consequent to a use or to uses of a payment access vehicle by said participant

receiving information from said payment settlement system reflecting at least one proposed use of said payment access vehicle by said participant; and

sending information to the payment settlement system reflecting approval/rejection of said proposed use if the amount of said proposed use is less than/greater than a current line of credit for said account.

However, Wolfberg discloses this step [see entire document particularly, Figure 9A, 10B, 11A-12C; 11B # 330-#348; C6 L1-L8; C17 Table III; C3 L35-L44; C9 L52-

Art Unit: 3693

L68C24 L9 to C25 L6; C25 L59-L62; C33 L22-28; C36 L10-L13; claims] to allow the client to borrow limited fund from client investment and repayment in installment. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the disclosures of Vitagliano, *Borleis* and Wolfberg to provide loan limitations and account settlement for loan approval and accounting purpose.

Re. Claims 87-89, claims 87-89 are rejected with same rational as claim 70-73.

Claims 91-92, 94, and 103-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano and *Borleis*, as applied to claims 58, and 75 and further in view of *Atkins*.

Re. Claim 91, *Atkins* discloses different well-known pension plans (IRA, Keogh, etc with IRS defined rules) wherein there are a plurality of different benefit plans, each different benefit plan for a different employer and having different rules on granting loan, and wherein the separate storage for the account further stores the different rules indexed by benefit plan [C2 L26-L38] to comply with IRS rules and procedures set for each type of pension plan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify disclosures of Vitagliano, and *Borleis* and include the above feature, as disclosed by *Atkins*, to implement different pension plan for different employer to comply with IRS rules.

Re. Claim 92, Vitagliano discloses transfer of assets between the account and the benefit plan [claim 1]. Atkins further discloses software (software is known of including instruction for computer to certain functions, such as deposit, transfer, etc) for receiving interactive information. Further user interface (key board, display, etc) are well known to allow the user to enter and perform the transaction. However, Vitagliano, Atkins, or Borleis does not explicitly disclose an interface to the World Wide Web, which may be accessed by a participant to send a signal initiating. However, computer graphic user interface (GUI), web page and internet are well known for banking systems where the users can transfer payments from their account for payment bills etc (for example, most of the banks such as Chevy chase bank, Bank of America, etc, provide online service which enables their subscribers to make payments, and transfer money between accounts using the Internet and banks web sites.) It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures Vitagliano, Atkins, and Borleis and add an interface to the World Wide Web, to allow the users to use internet for cost effective means of communication which is available 24 hours for banking functions from users PC.

Re. Claim 94, Atkins further discloses different well-known pension plans (IRA, Keogh, etc with IRS defined rules) wherein there are a plurality of different benefit plans, each different benefit plan for a different employer and having different rules on granting loan, and wherein the separate storage for the account further stores the different rules

Art Unit: 3693

indexed by benefit plan [C2 L26-L38] to comply with IRS rules and procedures set for each type of pension plan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify disclosures of Vitagliano, and Borleis and include the above feature, as disclosed by Atkins, to implement different pension plan for different employer to comply with IRS rules.

Re. Claim 103, Atkins further discloses wherein the benefit plan account is a 401 K or other contributory plan (IRA, Keogh, etc with IRS defined rules) [C2 L26-L38] to allow employee eligible for such a benefit to make investment in this type of pension plan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify disclosures of Vitagliano, and Borleis and include the above feature, as disclosed by Atkins, o allow employee eligible for such a benefit to make investment in this type of pension plan.

Re. Claim 104, Atkins further discloses wherein the benefit plan account is a 401 K or other contributory plan (IRA, Keogh, etc with IRS defined rules) [C2 L26-L38] to allow employee eligible for such a benefit to make investment in this type of pension plan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify disclosures of Vitagliano, and Borleis and include the above feature, as disclosed by Atkins, o allow employee eligible for such a benefit to make investment in this type of pension plan.

Claims 8, 19, 47 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano, Atkins and Borleis, as applied to claim 1, and further in view of Norris.

Re. Claim 8, Vitagliano, explicitly, does not disclose a communication interface for exchanging data between the computer system and a computer system of a funds-acceptance provider, wherein the program data further causes the processor, upon receipt of data from the funds-acceptance-provider computer system representing the participant's payment of funds to the funds-acceptance provider, to generate data representing a request for acceptance of funds into the account. However, *Norris* discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine discloses of Vitagliano, Borleis, Atkins and *Norris* to allow electronic fund transfer and arrange communication between the participants accounts and financial institutions provided service.

Re. Claim 52, Vitagliano discloses receive data from funds-acceptance-provider computer system (system) representing at least one payment by the participant [C3 L52-L68; C5 L7 to C6 L18], and update data representing the LOC value in response to the received data by increasing the LOC value by the value of the payment [Fig. 3; C4 L25-L58].

Art Unit: 3693

Re. Claim 19, Vitagliano, explicitly, does not disclose a step of generating data representing a request for acceptance of funds into the account from a funds-acceptance provider in response to receipt of data representing the participant's repayment of funds to the funds-acceptance provider. However, *Norris* discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Vitagliano, Borleis, *Norris* and Atkins to allow the financial institutions to accept (approve payment) and arrangement fund transfer between the participants accounts and financial institutions provided service

Re. Claim 47, Vitagliano, explicitly, does not disclose means for causing the processor means to generate data representing a request for acceptance of funds into the account from a funds-acceptance provider in response to receipt of data representing the participant's repayment of funds to the funds-acceptance provider. However, *Norris* discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57] to repay credit obligation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Vitagliano, Borleis, *Norris* and Atkins and add means for causing the processor means to generate data representing a request, as taught by *Norris* to allow the financial institutions to accept (approve and deposit) and arrangement fund transfer between the participants' accounts and financial institutions provided service

Claims 61-63, 74, 79-80, 99-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano and Borleis, as applied to claims 58 and 75, and further in view of Norris.

Re. Claims 61 and 74, Vitagliano discloses receiving information reflecting a repayment made by said participant [C4 L18-L29; C6 L15-L18], and

updating said account information for said account to reflect said amount of repaid funds transferred into said account [C4 L61-L68; C6 L15-L18].

transmitting information reflecting said current balance in said account to an administrator of said benefit plan account [C4 L6-L68].

Vitagliano does not explicitly disclose transferring the amount of funds repaid by said participant into said account. However, *Norris* discloses this feature [Abs; Fig. 1; C1 L22-L34; C2 L35-L67; C6 L13-L28; C7 L62-L65] to transfer repayment fund from one account to another. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano and *Norris* to transfer funds between accounts and allow the participant to deposit fund to repay loan.

Art Unit: 3693

Re. Claim 62, Vitagliano discloses updating said account information for said account and storing the funds separately to reflect said amount of funds transferred into said account [C4 L61-L68; C6 L15-L18].

Vitagliano does not explicitly disclose receiving information reflecting a request made by said participant to transfer an amount of funds into said account from said benefit plan account, and transferring said amount of funds requested by said participant transfer request into said account from said benefit plan account.. However, *Norris* discloses these steps [C6 L13-L28] to move funds from source fund to another account (deposit account) for withdrawal. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano and *Norris* to transfer funds between accounts and allow the participant to deposit/withdraw fund into/from account (account).

Re. Claim 63, Vitagliano discloses updating said account information for said account to reflect said amount of funds transferred from said account [C4 L61-L68; C6 L15-L18].

Vitagliano does not explicitly disclose receiving information reflecting a request made by said participant to transfer an amount of funds from said account into said benefit plan account, and transferring said amount of funds requested by said participant transfer request from said account into said benefit plan account. However, *Norris* discloses these steps [C6 L13-L28] to move funds from deposit account to source fund for repayment. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano

Art Unit: 3693

and *Norris* to transfer funds between accounts and allow the participant to deposit/withdraw fund into/from account (account).

Re. Claim 79, claim 79 is rejected with same rational as claim 62.

Re. Claim 80, claim 80 is rejected with same rational as claim 63.

Re. Claim 99, Vitagliano discloses wherein the receiving information reflecting a request made by said participant to transfer step comprises receiving an electronic request from a computer of an investment manager [C1 L67 to C2 L24; C3 L52 to C4 L32; C4 L47-L52; C5 L7 to C6 L18].

Re. Claim 100, Vitagliano discloses wherein the receiving information reflecting a request made by said participant to transfer step comprises receiving an electronic request from a computer of an investment manager [C1 L67 to C2 L24; C3 L52 to C4 L32; C4 L47-L52; C5 L7 to C6 L18].

Re. Claim 101, Vitagliano discloses wherein the receiving information reflecting a request made by said participant to transfer step comprises receiving an electronic request from a computer of an investment manager [C1 L67 to C2 L24; C3 L52 to C4 L32; C4 L47-L52; C5 L7 to C6 L18].

Re. Claim 102, Vitagliano discloses wherein the receiving information

Art Unit: 3693

reflecting a request made by said participant to transfer step comprises receiving an electronic request from a computer of an investment manager [C1 L67 to C2 L24; C3 L52 to C4 L32; C4 L47-L52; C5 L7 to C6 L18].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Applicant is requested to consider previously provided prior art in response to this office action to avoid unnecessary arguments and office actions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3693



3/13/07